THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9244 of 2005

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the third respondent in canceling the authorization of fair price shop dealership of the petitioner as arbitrary, illegal and violative of principles of natural justice and set aside the proceedings No.K/2480/03 dated 13.2.2004 and consequential orders of the second respondent dated 12.7.2004 and first respondent dated 15.3.2005.

It appears, petitioner was the fair price shop dealer of Kondapuram village, Chandur mandal, Nalgonda district. On receipt of a telephonic call from unknown person from Kondapuram village on 29.7.2003 at about 7.00 a.m. stating that the petitioner was transporting two barrels of kerosene oil (about 400 litres) into black-market in a private jeep, the fourth respondent along with A.R.I. and Panchayat Secretary, visited the village and conducted enquiry. In the said enquiry, it is revealed that a private jeep bearing No.APO-1253 loaded with two barrels of kerosene oil was caught hold by the villagers parked nearer to the fair price shop of Kondapuram. On 28.7.2003 at 12.30 midnight, petitioner and one Vanam Yadaiah resident of Munugode mandal have loaded two barrels containing 400 litres of kerosene oil in the jeep and started towards Cholledu. The loaded vehicle was obstructed by Giri Bixam, Karnati Srisailam and others of village and informed the same to the Inspecting Officer. The Inspecting Officer has surprised the fair price shop of petitioner and verified the records. As per the records, the fair price shop dealer received 1260 litres of kerosene oil for the month of July, 2003. As per the distribution register, the dealer has distributed 1086 litres of kerosene oil, whereas, the dealer has produced 113 coupons of 3 litres equivalent to 339 litres. The ground stock of kerosene oil available in the fair price shop is 150 litres only as against 921 to be available. Thus, the dealer failed to produce coupons for 771 litres or shown physical balance of kerosene oil. Further proceedings

under Section 6-A of the Essential Commodities Act were also concluded against the petitioner.

There is no necessity of going into all the details.

When the petitioner was asked to submit his explanation, he submitted a written explanation stating that he has not indulged in any clandestine business diverting the kerosene oil into black-market and further stated that the jeep driver has collected kerosene oil coupons from the villagers and received kerosene oil on their cards. This itself shows that the petitioner allowed kerosene to be collected from his shop. It is not the case of the petitioner that the kerosene does not belong to him. On the other hand, he has categorically admitted that the kerosene belongs to fair price shop and the same was collected by the jeep driver and the jeep driver collected coupons from the villagers at about 7.00 a.m., which is unbelievable. Obviously, petitioner is involved in a case of diverting kerosene oil into black-market.

Under those circumstances, I am of the opinion that the impugned order passed by the third respondent canceling the authroisation of the petitioner, which was confirmed by the second respondent and further confirmed by the first respondent does not suffer from any infirmity calling interference of this Court under Article 226 of the Constitution of India. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU, J

Date: 1.8.2007
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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9244 of 2005

1.8.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.9244 of 2005

Date: 1st August, 2007

Between:

E.Narsimha

.. Petitioner

And

The District Collector,
Nalgonda district, Nalgonda & others.

.. Respondents